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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,849	01/15/2002	Gerod C. Melton	10013834-1	5651

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EXAMINER
JONES, HEATHER R

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/047,849	MELTON, GEROD C.
	Examiner	Art Unit	
	Heather R. Jones	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 April 2005_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-20_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _15 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see Page 6, lines 10-13, filed April 11, 2005, with respect to the rejection(s)of claim(s) 1-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

2.   Please note the change in examiner. All future correspondence should be directed to Heather R. Jones whose information is provided at the end of this office action.

Specification

3.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4.   The disclosure is objected to because of the following informalities:

      a.   Page 15, line 19: change "705a" to –705--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-11, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brais et al. (U.S. Patent 5,995,936) in view of Nomura et al.

(U.S. Patent 6,819,394).

Regarding claim **1**, Brais et al. discloses a digital video device

(104), comprising: a processor (col. 5, lines 29-32); and a digital random-

access memory communicating with the processor (col. 8, line 40-48) and

including an edit tag library storing a plurality of edit tags (Fig. 8; col. 8,

lines 38-46 – it is inherent that there is an edit tag library in order to store

the known commands so that the spoken commands can be compared to

them) and a video storage storing digital video data comprising one or

more video segments (col. 5, lines 28-29), wherein the edit tags specify

edit operations to be performed on the digital video data (col. 10, lines 55-

60; col. 11, lines 58-67). However, Brais et al. fails to disclose that the

edit tags are embedded into the video segments and that the embedded

edit tags were selected from the edit tag library.

Referring to the Nomura et al. reference, Nomura et al. discloses

embedding edit tags in the same file as the image data (Fig. 4A; col. 8,

lines 37-38).

Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to have embedded the edit tags

into the same file as the image data as disclosed by Nomura et al. in the

digital video device (104) as disclosed by Brais et al. in order to allow the

user to edit the video at a later time, for example during playback. Also by embedding the edit tags into the video stream the user would only have to send one file as opposed to two to an external source for either playback or editing options. Furthermore, it is inherent that the embedded edit tags were selected from the edit tag library in order for the processor to be able to process the commands.

Regarding claim **2**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the digital video device (104) further comprises a sound transducer (106) receiving sound and generating an audio signal in response (Brais et al.: col. 6, lines 17-18); an audio processor communicating with the processor and the sound transducer (106), the audio processor receiving the audio signal, extracting one or more voice commands from the audio signal, extracting one or more edit tags from the one ore more voice commands, and passing the one or more voice commands and the one or more edit tags to the processor (Brais et al.: Fig. 8; col. 10. lines 38-46).

Regarding claim **3**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the sound transducer (106), the audio processor, and the processor are used to control operations of the digital video device (104) according to the voice commands (Brais et al.: Fig. 8; col. 10, lines 38-46).

Regarding claim **4**, Brais et al. in view of Nomura et al. discloses all

the limitations as previously discussed with respect to claims 1 and 2

including that the sound transducer (106), the audio processor, and the

processor extract vocalized edit tags and embed the edit tags in the digital

video data stored in the video storage (Brais et al.: Fig. 8; col. 10, lines 38-

46 – see the explanation for claim 1 for embedding the edit tags).

Regarding claim **5**, Brais et al. in view of Nomura et al. discloses all

the limitations as previously discussed with respect to claim 1 as well as

disclosing that the digital video device (104) further comprises a digital

image sensor communicating with the processor and capable of

generating digital video data, wherein the digital video device (104)

comprises a digital video recorder (Brais et al.: col. 1, lines 57-63 – it is

inherent that a digital image sensor is included in the embodiment of a

digital camera and it is well known that digital cameras video cameras are

both image capturing means).

Regarding claim **6**, Brais et al. in view of Nomura et al. discloses all

the limitations as previously discussed with respect to claim 1 as well as

disclosing the digital video recorder further comprises a user interface

(410) capable of accepting user inputs, including accepting edit tag inputs

(Brais et al.: Fig. 4; col. 8, line 15).

Regarding claim **7**, Brais et al. in view of Nomura et al. discloses all

the limitations as previously discussed with respect to claim 1 including

that the digital memory further includes a voice command library storing a

plurality of voice commands, and wherein a voice sample is compared to
the voice command library in order to recognize one or more voice
commands from the audio signal (Brais et al.: col. 10, lines 38-46 – it is
inherent that there is an edit tag library in order to store the known
commands so that the spoken commands can be compared to them).

Regarding claim **8**, Brais et al. in view of Nomura et al. discloses all
the limitations as previously discussed with respect to claim 1 including
that the digital memory further includes a label list storage storing all video
segment labels of digital video data stored in the video storage (Brais et
al.: col. 5, lines 27-32).

Regarding claim **9**, Brais et al. discloses a video edit method for a
digital video device (104), comprising the steps of: generating one or more
edit tags, wherein the one or more edit tags delineate one or more edit
operations to be performed on one or more video segments of the digital
video data (col. 10, lines 38-46; col. 11, lines 57-67). However, Brais et al.
fails to disclose embedding the one or more edit tags into digital video
data stored in a digital memory.

Referring to the Nomura et al. reference, Nomura et al. discloses
embedding edit tags in the same file as the image data (Fig. 4A; col. 8,
lines 37-38).

Therefore, it would have been obvious to one of ordinary skill in the
art at the time the invention was made to have embedded the edit tags
into the same file as the image data as disclosed by Nomura et al. in the

digital video device (104) as disclosed by Brais et al. in order to allow the

user to edit the video at a later time, for example during playback. Also by

embedding the edit tags into the video stream the user would only have to

send one file as opposed to two to an external source for either playback

or editing options. Furthermore, it is inherent that the embedded edit tags

were selected from the edit tag library in order for the processor to be able

to process the commands.

Regarding claim **10**, Brais et al. in view of Nomura et al. discloses

all the limitations as previously discussed with respect to claim 9 including

that the generating and embedding steps occur when the digital video

device (104) is in a video record mode (Brais et al.: col. 10, lines 29-50 –

in command mode the user can acquire images, edit images, or playback

images).

Regarding claim **11**, Brais et al. in view of Nomura et al. discloses

all the limitations as previously discussed with respect to claim 9 including

that the generating and embedding steps occur when the digital video

device (104) is in a video review mode (Brais et al.: col. 10, lines 29-50;

col. 11, lines 57-67 – in command mode the user can acquire images, edit

images, or playback images).

Regarding claim **15**, Brais et al. in view of Nomura et al. discloses

all the limitations as previously discussed with respect to claim 9 as well

as disclosing that the method further comprises the steps of: scanning the

digital video data for embedded edit tags; and performing an edit

operation specified by each found edit tag (Nomura et al.: col. 12, lines 27-35 – once the edit tags are embedded in the same file as the image data the file must be reviewed for edit tags before playback so that the playback is operated properly according to the photographer's desires).

Regarding claim **16**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claims 9 and 15 including that the scanning and performing steps are iteratively performed for an entire length of the digital video data (it is implicit that the entire length of the digital video data be scanned in order to acquire all the edit tags for that length of digital video data so that the digital video data can be properly edited).

Regarding claim **17**, Brais et al. discloses a video edit method for a digital video device (104), comprising the step of generating one or more edit tags, with the one or more edit tags delineating one or more edit operations to be performed on one or more video segments of the digital video data (col. 10, lines 38-46; col. 11, lines 57-67). However, Brais et al. fails to disclose embedding the one or more edit tags into digital video data stored in a digital memory; scanning the digital video data stored in a digital memory for embedded edit tags; and performing an edit operation specified by each found edit tag.

Referring to the Nomura et al. reference, Nomura et al. discloses embedding edit tags in the same file as the image data (Fig. 4A; col. 8, lines 37-38). Furthermore, Nomura et al. discloses scanning the digital

video data stored in a digital memory for embedded edit tags; and performing an edit operation specified by each found edit tag (col. 12, lines 27-35 – once the edit tags are embedded in the same file as the image data the file must be reviewed for edit tags before playback so that the playback is operated properly according to the photographer's desires. Furthermore, it is inherent that the entire length of the digital video data be scanned in order to acquire all the edit tags for that length of digital video data so that the digital video data can be properly edited)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have embedded the edit tags into the same file as the image data as disclosed by Nomura et al. in the digital video device (104) as disclosed by Brais et al. in order to allow the user to edit the video at a later time, for example during playback. Also by embedding the edit tags into the video stream the user would only have to send one file as opposed to two to an external source for either playback or editing options. Furthermore, it is inherent that the embedded edit tags were selected from the edit tag library in order for the processor to be able to process the commands.

Regarding claim **19**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 17 including that the scanning and performing steps are iteratively performed for an entire length of the digital video data (see explanation for claim 1).

Regarding claim **20**, Brais et al. in view of Nomura et al. discloses all the limitations as previously discussed with respect to claim 1 including that each of the one or more edit tags corresponds to an editing operation, and at least one of said one or more edit tags corresponds to a delete or move edit operation (Brais et al.: col. 11, lines 63-64).

7.   Claims 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. in view of Nomura et al. as applied to claims 9 and 17 above, and further in view of Dwyer et al. (U.S. Patent 6,671,567).

Regarding claims **12** and **18**, Brais et al. in view of Nomura et al. describes the method of claims 9 and 18, but does not teach the methods wherein an embedded edit tag of said one or more edit tags comprises a digital symbol that represents a captured, vocalized edit tag. Dwyer describes a PC with a display (figure 1, item 18), which provides information concerning voice files of the portable recorder to which the user can invoke a request by selecting an icon (or symbol) displayed on the screen that is associated with the voice files (thus representing a vocalized edit tag) (column 8, Lines6-15). Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Brais et al. in view of Nomura et al. by providing the embedded edit tag (representing a captured, vocalized edit tag) to include the icon (or symbol) representing information concerning the voice files. One would have been motivated to combine the captured, vocalized edit tag of Brais et al. in view of Nomura et al. to include the icon (symbol) associated with

the voice file information of Dwyer in that it would benefit in the ease of

use for the user to comprehend and view the information (Dwyer: column

8, Lines29- 34).

Regarding claim **13**, Brais et al. in view of Nomura et al. describes

the method of claim 9, further describing (similar to claim 7) a voice

command library storing a plurality of voice command; wherein a voice

sample is compared to said voice command library in order to recognize

one or more voice commands from said audio signal. Also, while in

command mode, the speech is converted into text and the text is then

compared with known commands. These known commands comprise that

of a list of known commands associated with the voice command library

(figure 8) and (column 10, Lines38-46). However, Brais et al. in view of

Nomura et al. does not teach an embedded edit tag of said one or more

edit tags comprises a digital symbol that represents a captured, vocalized

edit tag. Dwyer describes a PC with a display (figure 1, item 18), which

provides information concerning voice files of the portable recorder to

which the user can invoke a request by selecting an icon (or symbol)

displayed on the screen that is associated with the voice files (thus

representing a vocalized edit tag) (column 8, Lines6-15). Therefore it

would have been obvious to one of ordinary skill in the art to modify the

system of Brais et al. in view of Nomura et al. by providing the embedded

edit tag (representing a captured, vocalized edit tag) to include the icon (or

symbol) representing information concerning the voice files. One would

have been motivated to combine the captured, vocalized edit tag of Brais et al. in view of Nomura et al. to include the icon (symbol) associated with the voice file information of Dwyer in that it would benefit in the ease of use for the user to comprehend and view the information (Dwyer: column 8, Lines29-34).

Regarding claim **14**, Brais et al. in view of Nomura et al. further describes the method of claim 13 as including the step of employing a recognized voice command to control an operation of said digital video device (104). Specifically, Brais et al. in view of Nomura et al. describes a command mode in which spoken commands of the operator are converted into commands for control of the computer operations (figure 1, item 102), which in turn is used as a means for controlling the camera (figure 1, item 104) (column 6, line 10-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.
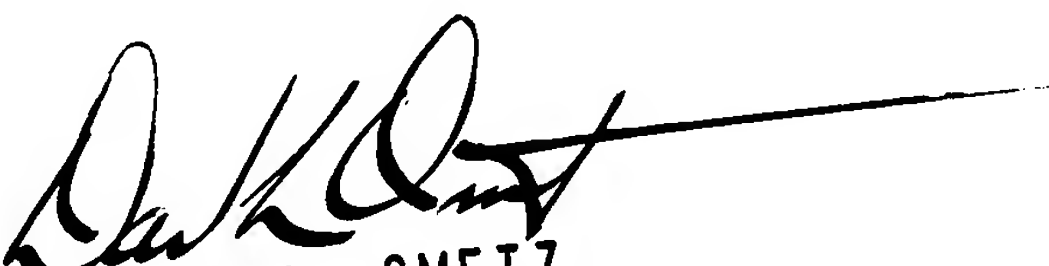
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Heather R Jones
Examiner
Art Unit 2615

HRJ
August 19, 2005

DAVID L. OMETZ
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